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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			DESIR, PIERRE LOUIS	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,038

Applicant(s)

ROBERTS ET AL.

Examiner

Pierre-Louis Desir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/09/2006 have been fully considered but they are not persuasive.

Applicants argue that Hollenberg in view of Lessard fails to disclose the limitation as recited in claims 1 and 10, i.e., detection steps, which occurs at a second later time upon the location-aware device returning to the bookmark location. Also, Applicants argue that there is no disclosure in the references of a two-fold determination step, where at a "second later time", a first determination is made as to the proximity of the device to a bookmark location and a second determination is made as to the bookmark content of the corresponding location bookmark satisfying a user defined condition.

Examiner respectfully disagrees with Applicants. Hollenberg discloses a method using the mobile device (location aware device) to capture information at current location, e.g. digital images/pictures, for later use, presentation or retrieval (column 6, lines 54-60). Lessard discloses a Location-based information or content represents information about places and their events provided to users while taking into account their current or subsequent location; hence information that is a function of a specific location. At present, all the systems, applications and solutions basically make location-based information available to users of mobile devices as follows. Users access location-based information either through positioning systems that require that the users provide location information such as an intersection, a street address, a zip code or a combination of these elements, or through positioning systems that automatically detect the location of the users' devices. Whatever method is used to pinpoint the users' location, once it is

known to the system, the latter provides location-based information, meaning information about places and their events in the vicinity of the users' current or subsequent location (see paragraphs 16 and 18). Thus, as the positioning systems automatically detect the location of the users' device, the user is provided location-based information. Lessard also discloses a method wherein a location bookmark provides local or proximate information, at the users' request, according to the mobile users' present or subsequent location (see paragraphs 20 and 38). Therefore, it would have been obvious to one of ordinary skill in the art to immediately envision having a location bookmark providing local or proximate information, as related to previously captured information, when the present or subsequent location of the users is detected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg (US Patent Number 6,091,956) in view of Lessard et al. (US Patent Application Publication Number 2002/0035609-A1).

Regarding claim 1, Hollenberg discloses a method for recording and recalling data associated with a location, the method including: using a location aware device (locating means; column 29, line 37-40) to determine a current location (6a - Figure 2; 6f- Figure 4; 6j - Figure 6,

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6r - Figure 11); receiving "at a first time" input related to the current location (mobile device's current position is an input to the device so that a corresponding map can displayed; see e.g. Figure 11); recording a location bookmark (graphical symbols; column 8, lines 55-60) for the current location "using" the location aware device, a location bookmark having a bookmark location and bookmark content, the bookmark location including the current location ("position") and the bookmark content comprising "data" (for example, the data can be: geographical features, services or attractions, such as main roads and cities - column 8, lines 34-60, particularly lines 36 and 52; Figure 11 shows exemplary main road "Hwy.22" and exemplary city "Deneba") associated with the current location based on the received input (the disclosed graphical symbols read on the claimed "location bookmark" because they are location specific and include location and content information as depicted by the maps and the graphical symbols therein); storing the location bookmark (column 8, lines 55-60); detecting (Figures 2, 4, 6, 11) at a "second later time" that a location of the location aware device is within a specified proximity to the bookmark location and that a user-defined condition, other than that the location is within a specified proximity to the bookmark location, is satisfied by the user selected input comprising the bookmark content (as the user approaches a specific location, for example city "Deneba", a map including the location bookmark (graphical symbols) is displayed as depicted in Figures 2, 4, 6, 11; see in particular column 21, line 30 to column 22, line 35; in general see also column 4, line 31 to column 10, line 42, and column 6, lines 54-60); and automatically notifying a user of the location aware device of the location bookmark (this is by displaying the location information, etc. - see Figures 2, 4, 6, 11); and presenting the input included in the bookmark content (graphics / symbols explained above) as part of the location bookmark through an output

device (display) of the location aware device at a time (later) after the first time (displayed as depicted in Figures 2, 4, 6, 11).

Hollenberg further discloses using the mobile device (location aware device) to capture information at current location, e.g. digital images/pictures, for later use, presentation or retrieval (column 6, lines 54-60).

However, Hollenberg does not specifically disclose that the input received at first time is user-selected, such that the user-selected input is captured at current location by user's action of an input device integrated or attached to the location aware device.

Lessard et al. discloses a method for recording and recalling data associated with a location that allows for the creation, storage, access, transmission and management of geographical positioning data determined by GPS (or any other known method) coupled with other data such as text, images, audio and video which provides information, products and services relating to the said geographical positioning data (abstract; Figures 4, 4a, and 13; paragraphs 0020, 0024, 0032, 0054, 0059 and claim 4 of Lessard et al.).

Lessard et al. discloses: user's position is determined (step 402-404 - Figure 4); user inputs additional information (step 405); the information is indexed with location so to create a bookmark (step 406) that can later be accessed (see Figure 4a, notes at left side column). An advantage of Lessard et al. is providing users with ability to access personalized information related to places, objects or events of interest (paragraphs 0032). Lessard also discloses a Location-based information or content represents information about places and their events provided to users while taking into account their current or subsequent location; hence information that is a function of a specific location. At present, all the systems, applications and

solutions basically make location-based information available to users of mobile devices as follows. Users access location-based information either through positioning systems that require that the users provide location information such as an intersection, a street address, a zip code or a combination of these elements, or through positioning systems that automatically detect the location of the users' devices. Whatever method is used to pinpoint the users' location, once it is known to the system, the latter provides location-based information, meaning information about places and their events in the vicinity of the users' current or subsequent location (see paragraphs 16 and 18). Thus, as the positioning systems automatically detect the location of the users' device, the user is provided location-based information. Lessard also discloses a method wherein a location bookmark provides local or proximate information, at the users' request, according to the mobile users' present or subsequent location (see paragraphs 20 and 38). Therefore, it would have been obvious to one of ordinary skill in the art to immediately envision having a location bookmark providing local or proximate information, as related to previously captured information, when the present or subsequent location of the users is detected.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enable Hollenberg's device, e.g. using Hollenberg's already provided digital camera explained above, with user-selected input, such that the user-selected input is captured at current location by user's action of an input device integrated or attached to the location aware device, and presenting the user-selected input included in the bookmark content as part of the location bookmark through an output device (display) of the location aware device at a time after the first time as claimed because of the advantage suggested by Lessard et al., i.e.,

providing users with ability to access personalized information related to places, objects or events of interest (paragraphs 0032).

Regarding claim 2, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, Hollenberg discloses that a current location is determined by: using a global positioning system receiver; using an inertial navigation system; or receiving a wireless data transmission indicating the current location transmitted by a server in a cellular network that used a signal received by a cellular tower from the location aware device to determine a geographic location of the location aware device based on the signal. In this case, for example, a global positioning system (GPS) receiver (column 8, lines 65-67; column 9, lines 41-44)

Regarding claims 3-4, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, Hollenberg discloses that the bookmark content comprises multimedia content captured at the current location (see Figures 2, 4, 6, 11; also column 10, lines 1-4). The bookmark content further comprises descriptive content describing at least one of the following: the current location; the time of recording the location bookmark; the environmental conditions at the current location; or the multimedia content captured at the current location. In this case, for example, current location (6a - Figure 2; 6f- Figure 4; 6j- Figure 6, 6r - Figure 11, etc.).

Regarding claim 5, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, Hollenberg discloses that the bookmark location and the bookmark content are stored in a searchable database (memory, storage, drives, RAM, etc.;

column 5, lines 12-27) as key-value pairs having user-defined keys and values (see also 38, 39-Figures 1, 3, 5).

Regarding claim 6, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, Hollenberg discloses displaying a plurality of location bookmarks to a user, wherein the location bookmarks are grouped: by bookmark location; by subject matter of the bookmark content; or chronologically by time of recording the location bookmarks. In this case, for example, bookmark location, or subject matter of the bookmark content (e.g.: 6h, 6i - Figure 4) (see Figures 2, 4, 6, 11 as cited above).

Regarding claims 7-8, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, Hollenberg discloses that recording a location bookmark for the current location comprises recording at least one of the following: latitude and longitude of the current location; or universal transverse Mercator coordinates of the current location. In this case, for example, latitude and longitude (column 23, line 4). Also recording an elevation (3p - Figure 11; column 21, lines 38-39; also "distance relationships" column 23, line 3; inter alia) of the current location as part of the location bookmark.

Regarding claim 9, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, Hollenberg discloses that automatically notifying a user of the location aware device of the location bookmark comprises emitting a signal from the location aware device detectable by the user, including an audio signal, visual signal or a mechanical signal including a vibration. In this case, for example, emitting a visual signal (picture - Figures 2, 4, 6, 11).

Regarding claim 10, it is a corresponding device claim of method claim 1; therefore, explanation for claim 1 is incorporated herein. Given the steps for performing, the means for performing such steps are obvious. For clarification, the current location of the device is determined by the device (402-404 - Figure 4 of Lessard et al.) by means of, e.g., GPS (with the advantage of providing location specific services to the device).

Regarding claim 11, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 10). Claim 11 is a corresponding device claim of method claims 1-9; therefore, explanation for claims 1-9 is incorporated herein. In addition, Hollenberg discloses that the means for determining a current location includes a global positioning system (GPS) receiver (column 8, lines 65-67; column 9, lines 41-44). The means for obtaining data include a digital camera (column 29, line 16), voice recorder and keypad (Figure 10). The means for recording a location bookmark include a memory element incorporated in the device (memory, storage, drives, RAM, etc.; column 5, lines 12-27). The means for storing the location bookmark comprise a transmitter for transmitting the bookmark to a remote server and the means for retrieving the location bookmark comprise a receiver for receiving the location bookmark from storage (Figures 1, 3, 5). A processor programmed is obvious from the steps explained above for claims 1-9. Data associated with the current location comprises multimedia content captured at the current location (see above).

Regarding claim 12, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 11). In addition, Hollenberg discloses that the memory element is a volatile semiconductor memory or a non-volatile semiconductor memory or a microdisk (memory, storage, drives, RAM, etc.; column 5, lines 12-27).

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Regarding claim 13, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 10). In addition, Hollenberg discloses that the bookmark location and the bookmark content are stored in a searchable database (memory, storage, drives, RAM, column 5, lines 12-27) as key-value pairs having user-defined keys and values (see also 38, 39 - Figures 1, 3, 5).

Regarding claim 19, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, as explained above, Lessard et al. discloses wherein the user-selected input includes at least one of the following: an audio input, a textual input or a digital image input (abstract and claim 4 of Lessard et al.). Hollenberg also discloses digital image input (column 6, lines 54-60).

Regarding claim 20, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 10). In addition, as explained above, Lessard et al. discloses wherein means for capturing user-selected input comprise means for capturing at least one of the following: audio input, textual input or digital image input (abstract and claim 4 of Lessard et al.). Hollenberg also discloses digital image input (column 6, lines 54-60).

Regarding claim 21, Hollenberg and Lessard et al. disclose everything claimed as applied above (see claim 1). In addition, as explained above, the combination discloses wherein the user-defined condition satisfied by the bookmark content comprises a condition satisfied by the user-selected input (e.g. location, see citations above).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Pierre-Louis Desir
09/26/2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER